


**RESOLUTION NO- 2011-005**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD  
RECOMMENDING APPROVAL OF AN ORDINANCE OF  
THE CITY OF KEY WEST, FLORIDA, AMENDING  
CHAPTER 122 OF THE CODE OF ORDINANCES  
ENTITLED "ZONING" BY AMENDING SECTION 122-  
1338, AND 122-1346 TO PROVIDE FOR CLARIFICATION  
TO THE TRANSFER OF TRANSIENT UNITS  
ORDINANCE; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR REPEAL OF INCONSISTENT  
PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Planning Department initiated the proposed amendments to the ordinance as a result of changes requested by the City Commission and Planning Board; and

**WHEREAS**, the Planning Board held a noticed public hearing on January 20, 2011, where based on the consideration of recommendations by the City Planner, City Attorney, Building Official, and other information, the Planning Board recommended approval of the proposed amendments; and

**WHEREAS**, the Planning Board determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional public demand on public facilities; will have no impact on the built environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use

 Vice-Chairman

 Interim Planning Director

patterns; and are in the public interest.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 122-1338, AND 122-1346 TO PROVIDE FOR CLARIFICATION TO THE TRANSFER OF TRANSIENT UNITS ORDINANCE is hereby recommended for approval; a copy of the recommended modifications to the Code is attached.

**Section 3.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 20<sup>th</sup> day of January 2011.

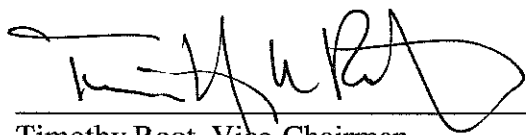
Authenticated by the Vice-Chairman of the Planning Board and the Interim Planning Director.



Vice-Chairman



Interim Planning Director



Timothy Root, Vice-Chairman  
Key West Planning Board

1/31/11

Date

Attest:

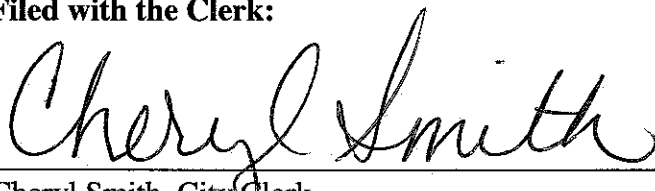


Donald Craig, AICP  
Interim Planning Director

12411

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

2-1-11

Date



Vice-Chairman



Interim Planning Director

# **Draft Ordinance**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES  
ENTITLED "ZONING" BY AMENDING SECTION 122-  
1338, and 122-1346 TO PROVIDE FOR  
CLARIFICATION TO THE TRANSFER OF TRANSIENT  
UNITS ORDINANCE; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR REPEAL OF INCONSISTENT  
PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the land development regulations in accordance with certain procedures and criteria;

**WHEREAS**, the City Commission held a workshop on April 20, 2010, to discuss potential modifications to the ordinance, and at that meeting directed city staff to consult with the Planning Board regarding potential ordinance modifications;

**WHEREAS**, the Planning Board held a workshop on July 14, 2010, to discuss potential modifications to the ordinance and recommended that the sunset provisions be eliminated and that the ordinance be maintained with only minor clarifications;

**WHEREAS**, staff prepared minor changes to the ordinance in accordance with Planning Board recommendations;

**WHEREAS**, the Planning Board held a noticed public hearing on \_\_\_\_\_, where based on the consideration of recommendations by

the city planner, city attorney, building official and other information recommended approval of the proposed amendments;

**WHEREAS**, the City Commission held a noticed public hearing on \_\_\_\_\_ and in its deliberations considered the criteria identified in section 90-521 of the Code of Ordinances;

**WHEREAS**, the City Commission determined that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 122 of the Code of Ordinances is hereby added/amended as follows\*:

**Sec. 122-1338 (2). Transfer of Transient Units.**

\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Transient use must be an allowed zoning use on the receiver site, unless the units are to be converted into non-transient units as contemplated by subsection (3) of this section. Further, no transient unit shall be recognized for transfer purposes, regardless of whether it will be used transiently or non-transiently, unless accompanied by a business tax receipt duly issued pursuant to section 66-109 (10). When units are transferred for non-transient use, the licenses will be extinguished.

**Sec. 122-1346. Sunset.**

~~This division shall expire on May 15, 2011.~~

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Filed with the Clerk \_\_\_\_\_, 2010.

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK